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7
8 BEFORE THE
DIVISION OF MEDICAL QUALITY
9 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

10 In the Matter of the Accusation)	No. D-4629
Against:)	
11)	
12 GARY DAVID OLBRICH, M.D.)	STIPULATION, DECISION
648 East 16th Street)	<u>AND ORDER</u>
13 Eugene, OR 97401)	
California Physician's and)	
14 Surgeon's Certificate)	
No. G 31633)	
15 Respondent.)	

16
17 IT IS HEREBY STIPULATED by the parties to the above-
18 entitled matter that the following is true:

19 1. On April 21, 1976, respondent Gary David Olbrich,
20 M.D., was heretofore issued Physician's and Surgeon's Certificate
21 number G 31633 under the laws of the State of California. At all
22 times mentioned herein, said certificate was, and now is, in full
23 force and effect.

24 2. On October 28, 1991, an accusation bearing number
25 D-4629 was filed by Kenneth J. Wagstaff, Executive Director of
26 the Medical Board of California in his official capacity as such.
27 Respondent was duly and properly served with said accusation and

1 accompanying documents. Respondent filed a Notice of Defense
2 requesting a hearing on the charges contained in the accusation.

3 3. Respondent has read the allegations contained in
4 Accusation No. D-4629. Respondent is fully aware of his right to
5 a hearing on the allegations contained in the accusation, his
6 right to reconsideration, appeal, and any and all rights which
7 may be accorded to him pursuant to the California Administrative
8 Procedure Act and the laws of the State of California.

9 4. Respondent hereby freely and voluntarily waives
10 his right to a hearing, reconsideration, appeal and any and all
11 other rights which may be accorded by the California
12 Administrative Procedure Act and the laws of the State of
13 California with regard to Accusation No. D-4629.

14 5. Respondent admits for the purpose of this
15 proceeding, any other proceeding before the Board, or any other
16 action taken by and before any governmental body responsible for
17 licensing physicians that he is subject to disciplinary action
18 for violation of Business and Professions Code section 2234 on
19 the grounds of unprofessional conduct as defined in section 2305
20 of the code. On January 16, 1990, respondent and the Oregon
21 Board of Medical Examiners entered into a written agreement in
22 which respondent voluntarily requested that limitations be placed
23 on his license. The limitations are to remain in effect until
24 terminated by the Oregon Board.

25 6. In the event that this Stipulation, Decision and
26 Order is not accepted and adopted by the Medical Board of
27 California, the Stipulation and characterizations of law made by

1 all parties herein shall be null, void and inadmissible at any
2 proceeding involving the parties to it.

3 WHEREFORE, it is stipulated that Medical Board of
4 California may issue the following Decision and Order:

5 California Physician's and Surgeon's Certificate
6 number G 31633 issued to Gary David Olbrich, M.D. is revoked.

7 However, the revocation is hereby revoked and respondent is
8 placed on probation for five (5) years under the following terms
9 and conditions:

10 1. Respondent shall continue to comply with
11 limitations imposed on his license by the Oregon Board of Medical
12 Examiners. Respondent shall continue to participate in the
13 Professional Recovery Program. Respondent shall request and
14 authorize the Oregon Board to make quarterly reports regarding
15 his compliance with all of the limitations on his Oregon medical
16 license to the California Medical Board.

17 2. Respondent shall give at least ninety (90) days
18 written notice, prior to his arrival, of his intent or desire to
19 return to California to reside and/or practice medicine.

20 3. Prior to resuming the practice of medicine in
21 California, respondent shall meet with and/or be evaluated by the
22 Diversion Evaluation Committee. Respondent shall not resume the
23 practice of medicine until receipt of written notification of
24 approval from the Diversion Evaluation Committee.

25 4. Respondent shall obey all federal, state and local
26 laws, and all rules governing the practice of medicine in
27 California.

1 5. Respondent shall submit quarterly declarations
2 under penalty of perjury on forms provided by the Division,
3 stating whether there has been compliance with all of the
4 conditions of probation.

5 6. Respondent shall comply with the Division's
6 probation surveillance program.

7 7. Respondent shall appear in person for interviews
8 with the Division's medical consultant upon request at various
9 intervals and with reasonable notice.

10 8. Respondent shall be prohibited from supervising
11 physician's assistants.

12 9. The period of probation shall not run during the
13 time respondent is residing or practicing outside the
14 jurisdiction of California.

15 10. Upon successful completion of probation,
16 respondent's certificate will be fully restored.

17 11. If respondent violates probation in any respect,
18 the Division, after giving respondent notice and the opportunity
19 to be heard, may revoke probation and carry out the disciplinary
20 order of revocation. If an accusation or petition to revoke
21 probation is filed against respondent during probation, the
22 Division shall have continuing jurisdiction until the matter is

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1 final, and the period of probation shall be extended until the
2 matter is final.

3 DATED: 2/24/92.

4 DANIEL E. LUNGREN, Attorney General
5 of the State of California
6 JANA L. TUTON
7 Supervising Deputy Attorney
8 General

9 Gail M. Heppell
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11 Deputy Attorney General

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13 I hereby state that I have read this Stipulation,
14 Decision and Order. I understand that I have the right to a
15 hearing on the charges contained in the Accusation, the right to
16 cross-examine witnesses, and the right to introduce evidence in
17 mitigation. I knowingly and intelligently waive all of these
18 rights and all other rights which I may have under the California
19 Administrative Procedure Act and the laws and regulations of the
20 State of California in regard to this matter.

21 I understand that by signing the Stipulation, I am
22 permitting the Medical Board of California to impose discipline
23 against my license. I understand the terms and ramifications of
24 this Stipulation, Decision and Order, and agree to be bound by
25 its terms.

26 DATED: 21 FEB 92.

27 Gary David Olbrich MD
GARY DAVID OLBRICH, M.D.
Respondent

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DECISION AND ORDER

The foregoing is adopted as the decision of the Medical Board of California and shall become effective on the 19th day of June, 1992. It is so ordered May 20, 1992.

MEDICAL BOARD OF CALIFORNIA
Division of Medical Quality

By *Theresa J. Claassen*
THERESA CIAASSEN,
Secretary-Treasurer

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Eugene, OR 97401)	
14 California Physician's)	
and Surgeon's Certificate)	
15 No. G 31633)	
)	
16 Respondent.)	

17
18 Kenneth J. Wagstaff, for causes for discipline,
19 alleges:

20 1. Complainant Kenneth J. Wagstaff makes and files
21 this accusation in his official capacity as Executive Director of
22 the Medical Board of California (hereinafter referred to as the
23 "Board").

24 2. On April 21, 1976, the Board issued physician's
25 and surgeon's certificate number G 31633 to respondent Gary David
26 Olbrich, M.D. At all times pertinent herein, said certificate
27 was and currently is in full force and effect.

1 3. Under Business and Professions Code section 2234,
2 the Division of Medical Quality shall take action against any
3 licensee who is charged with unprofessional conduct.

4 Under Business and Professions Code section 2305, the
5 revocation, suspension, or other discipline by another state of a
6 license or certificate to practice medicine issued by the State
7 shall constitute unprofessional conduct against such licensee in
8 this state.

9 4. Respondent has subjected his physician's and
10 surgeon's certificate to discipline under Business and
11 Professions Code section 2305 in that on January 16, 1990,
12 respondent and the Oregon Board of Medical Examiners entered into
13 a written agreement in which respondent voluntarily requested
14 that limitations be placed on his license. These limitations
15 include total abstinence from alcohol, random fluid testing,
16 participation in a monitored treatment program, and reporting to
17 the Board. The limitations are to remain in effect until
18 terminated by the Board.

19 WHEREFORE, complainant prays that the Division of
20 Medical Quality hold a hearing on the matters alleged herein, and
21 following said hearing issue a decision:

22 1. Revoking or suspending physician's and surgeon's
23 certificate number G 31633, issued to Gary David Olbrich, M.D.;

24 2. Prohibiting Gary David Olbrich, M.D. from
25 supervising physician's assistants.

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3. Taking such other and further action as may be deemed proper and appropriate.

DATED: October 28, 1991

KENNETH J. WAGSTAFF
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant